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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,277	12/12/2000	L. Michael Maritzen	SON5180.03A	7927

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p><i>Office Action Summary</i></p>	Application No.	Applicant(s)	
	09/737,277	MARITZEN ET AL.	
	Examiner	Art Unit	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner's response is incorporated into the rejection found below.

Claim Rejections - 35 USC § 112

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 11, 18 and 19, it is unclear of what is meant by "sufficient account information" and "to impart transaction functionality". Also the phrase populated "with sufficient account information to impart transaction functionality to said data terminal" is not understood when used in this context. Thus, the applied language renders the claims vague and indefinite.

Claims not directly addressed are rejected based on their dependencies.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morthington et al (US Patent No.6,128,602).

As per claim 1, Northington et al disclose an information gathering and distribution system, comprising: a data terminal capable of receiving data (figure 1, element 110); and a transaction and information clearing house (TIPCH) (figure 1, element 100), said TIPCH configured to gather electronic information from a vendor (column 7, lines 45-67 and column 6, lines 14-18), said TIPCH connected selectively to said data terminal (figure 1); wherein said electronic information is transferred to said data terminal when said data terminal is connected to said TIPCH (column 7, lines 45-67, abstract and column 8, line 55 to column 9, line 24).

Applicant argues that Northington et al fail to teach or suggest the data terminal as being "configured as a financially-enabled e-commerce device". In response, the system of Northington et al is clearly directed to a financial system having data terminals 110 for accessing transactions information via a web browser and therefore teaches a data terminal being configured as a financially-enabled e-commerce device. See figure 1 and column 5, lines 15-25 of Northington et al.

Applicant also argues that Northington et al fail to teach or suggest "wherein said data terminal is populated by the TCPCH with sufficient account information to impart transaction functionality to said data terminal on behalf of a user".

In response, Northington et al teach the remote data terminal is populated by their central system with sufficient information to impart functionality to the remote data terminal on behalf of a use, and the electronic information is transferred to the data terminal on behalf of the user. See the abstract and column 10, lines 39-65 and column 5, lines 35-65 and column 9, lines 25-58. The only difference between Northington et al

and the claimed invention is that these functions are not recited to be automatically performed. It would have been obvious to one of ordinary skill in the art to automate these functions in order to provide users with a quick response alerting them of a financial transaction.

Applicant then argues that remote terminal 110 is not financially-enabled for executing electronic transactions. The Examiner disagrees. Northington et al teach the remote terminal being financially-enabled for executing electronic transactions. See column 9, lines 13-28, lines 54-58 and column 10, lines 38-48 of Northington et al.

Northington et al disclose "Application services element 103 preferably includes a data processor 402 for processing incoming transaction data and a report generator 401 for generating and delivering reports of stored transaction data in response to a command received from a user and/or at predetermined intervals..." (column 7, lines 45-51). Northington et al further disclose other embodiments of transferring electronic information to a data terminal when the data terminal is connected to a TIPCH of information clearing house (figure 1, element 100). (See column 8, line 55 to column 9, line 24).

Applicant's representative then argues that the "automatic" aspect of Northington as in the above passage has to do with collecting information that is not already in the database in response to a user query and therefore an automatic transferring of information to the data terminal is not taught by Northington et al.

In response, the Examiner disagrees with applicant's assertion. Northington et al disclose providing electronic information to a user connected to the information clearing

house. The information is searched from the database and if not found in the database, the electronic information is searched and retrieved in other external databases. See column 8, line 55 to column 9, line 24. Thus the electronic information would have then be transferred to the data terminal. The transfer is made as desired or automatically at a predetermined time. Note column 8, lines 1-18 of Northington et al. Furthermore, the Examiner notes that when the data terminal is connected to the information clearinghouse, the electronic information is automatically transferred to the data terminal either in response to commands between the data terminal and the electronic information clearinghouse or via a predetermined time period.

As per claim 2, Northington et al disclose the data terminal is further configured to send electronic signals to said TIPCH (column 5, lines 35-56 and column 9, lines 49-67).

As per claim 3, Northington et al disclose the system further comprising a financial transaction processing mechanism associated with said TIPCH (column 11, lines 16-28 and column 12, lines 59-66) , said processing mechanism configured to disperse forms of remuneration to a vendor associated with a transaction (column 12, lines 59-66 column 13, lines 15-20) authorized by said TIPCH.

As per claim 4, Northington et al disclose the financial transaction processing mechanism is a financial institution (column 11, lines 16-28).

As per claim 5, Northington et al disclose the data terminal further comprises a security mechanism, wherein access to said terminal is restricted to a particular user (column 3, line 62 to column 4, line 6 and column 10, line 66 to column 11, line 3).

As per claim 6, Northington et al disclose the transaction and information processing clearing house further comprises a security mechanism, wherein access to said financial and information processing clearing house is restricted to a particular user (column 6, line 52 to column 7, line 3).

As per claim 7, Northington et al disclose a secure distribution system for distribution of electronic content to a user from said TIPCH, said TIPCH configured to receive electronic content from a vendor and to provide the electronic content to a user through said secure distribution system (column 3, line 62 to column 4, line 6; column 10, line 66 to column 11, line 3 and column 6, line 52 to column 7, line 3).

As per claim 8, Northington et al disclose the TIPCH is configured to provide electronic content to a user by transmitting the electronic content to a users transaction device at the request of the user (column 8, line 55 to column 9, line 23).

As per claims 9-10 and 14-15, Northington et al do not explicitly teach a transaction and information processing clearing house further comprises a distribution system configured to provide delivery of a product of a transaction to a user or a return system configured to enable the user to return the package to the vendor. Northington et al disclose a user accessing financial systems via on line or a via an electronic mail. See column 11, lines 40-52. It is well known that a user has a the option of returning a purchased product or package which the user feels dissatisfied with. If the package is an electronic content, the user may return the item online or via mail. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features in the system of Northington et al with the motivation of providing a user with the option of returning an item the user no longer desires or is dissatisfied with.

As per claim 11, Northington et al disclose an electronic commerce system, comprising: a data terminal capable of sending and receiving data, said terminal configured to indicate that a transaction is to be performed (figure 1, element 110) a transaction and information clearing house (TIPCH) (figure 1, element 100), said TIPCH configured to gather electronic information from a vendor (column 7, lines 45-67 and column 6, lines 14-18), said TIPCH connected selectively to said data terminal (figure 1); said information automatically transferred to said data terminal when said data terminal is connected to said TIPCH (column 7, lines 45-67, abstract and column 8, line 55 to column 9, line 24), said TIPCH configured to interface with a financial processing system (figure 6); and a financial processing system configured to transfer funds from a

users account to a vendors account when authorized by a data terminal (figure 6 and column 11, lines 16-59). As per the newly added features of a "data terminal configured as a financially-enabled e-commerce device" and "wherein said data terminal is populated by said TIPCH with sufficient account information to impart transaction functionality to said data terminal on behalf of a user", applicant is directed to the rejection of claim 1 above.

As per claim 12, Northington et al disclose the transaction and information processing clearing house further comprises a security mechanism, wherein access to said financial and information processing clearing house is restricted to a particular user (column 6, line 52 to column 7, line 3).

As per claim 13, Northington et al the data terminal further comprises a security mechanism, wherein access to said data terminal is restricted to a particular user (column 3, line 62 to column 4, line 6 and column 10, line 66 to column 11, line 3).

As per claim 16, Northington et al disclose a method for permitting users to conduct an electronic commerce transaction, the method, comprising: providing a data-transaction device to a user, the device capable of sending and receiving data (figure 1, element 110), the transaction device having a unique identifier corresponding to the user (the card number or user identification number) ; providing a transaction and information clearing house (TIPCH) (column 11, lines 16-52), said TIPCH configured to

Art Unit: 3628

receive electronic content from a vendor and to provide electronic content to said data-transaction device ((column 3, line 62 to column 4, line 6; column 10, line 66 to column 11, line 3 and column 6, line 52 to column 7, line 3), said TIPCH maintaining an association between the user and the data-transaction device using the unique device identifier, said TIPCH authorizing a transaction based upon the device identifier, said TIPCH automatically providing said electronic content to said data-transaction device; and conducting an electronic commerce transaction with a vendor using the data-transaction device (figure 6, column 3, line 62 to column 4, line 6; column 10, line 66 to column 11, line 3 and column 6, line 52 to column 7, line 3).

As per claim 16, applicant's representative argues that claim 16 infers using a smart card as a transaction device and such is not present in Northington et al.

In response, the Examiner notes that a data transaction device is interpreted as a computer, digital assistant, laptop, cellular phones or other types of devices capable of receiving and/or transferring information to another device. The type of transfer device does not affect the function of the system.

As per the argument regarding that Northington et al fail to teach or suggest the "transaction device having a unique identifier corresponding to a user", the Examiner asserts that most transaction devices include a personal identifier or a unique identifier and/or password to ensure proper and secure access to the transaction devices or access to other devices via the transaction device. Northington et al disclose accessing web browsers via their transaction devices and teach providing password to users of

Art Unit: 3628

their system. Note column 2, lines 51-53, column 5, lines 46-56 and column 6, lines 56-64.

As per claim 17, Northington et al discloses a set of personal identification information corresponding to the user is obtained and associated with the data-transaction device is obtained and associated to the transaction device upon a registration of the data-transaction device (column 5, lines 35-56 and column 9, line 49 to column 10 line 38).

As per claim 18, Northington et al disclose a transaction and information processing clearing house (TIPCH) for use in an electronic system (figures 1 and 6) comprising: a secure database identifying accounts corresponding to a particular device identifier; authorization logic coupled to the secure database (column 9, line 49 to column 10, line 38) configured to authorize access to a user information database (column 8, line 55 to column 9, line 23); an information retrieval system wherein consumer account information is retrieved from selected consumer accounts and stored in said user information database (column 7, line 45 to column 8, line 18; column 9, line 49 to column 10, line 38 and column 13, lines 15-32); and an information disbursement system, wherein retrieved information in said user information database is automatically dispensed to a user (column 10, lines 12-14 and column 8, lines 1-18).

As per the features of a "data terminal configured as a financially-enabled e-commerce device" and "wherein said data terminal is populated by said TIPCH with

Art Unit: 3628

sufficient account information to impart transaction functionality to said data terminal on behalf of a user", applicant is directed to the rejection of claim 1 above.

As per claims 19 and 25, Northington et al disclose a system for executing and tracking financial transactions (see the abstract) comprising:

a transaction and information clearing house (TIPCH) (100), said TIPCH configured with an information repository (IR) (102) in which electronic information from at least one vendor is gathered for each registered user of said TIPCH (column 5, lines 7-25); and

a transaction device such as a remote terminal (110) containing data memory and configured for connecting with the TIPCH by a secure communications link and populating said data memory automatically upon establishing said secure communications link with said TIPCH (column 5, lines 35-56);

Northington et al disclose the transaction device logs-in to the system and uses passwords or encryption techniques for accessing the system (column 6, lines 57-60 and column 5, lines 36-56). Having the transaction device being configured with a unique identifier associated with a particular registered user having at least one financial account accessible to the TIPCH is not explicitly taught by Northington et al.

Northington et al disclose accessing web browsers via their transaction devices and teach providing passwords to users of their system. Note column 2, lines 51-53, column 5, lines 46-56 and column 6, lines 56-64. The portable transaction device being configured with a unique identifier associated with a particular registered user having at

Art Unit: 3628

least one financial account accessible to the TIPCH would have been obvious to one of ordinary skill in the art at the time of the invention to include in the system of Northington et al for security purposes and also in order to ensure the integrity of the system;

Wherein the TIPCH is configured to interface with a financial processing system so that transactions can be executed in which funds are transferred between an associated user account and one or more vendor accounts (column 6, lines 36-40 and column 5, lines 18-25). The device being a portable device is not explicitly taught by Northington et al. The Examiner notes that a data transaction device is interpreted as a computer, digital assistant, laptop, cellular phones or other types of devices capable of receiving and/or transferring information to another device. The type of transfer device being a portable transaction device does not affect the functioning of the system. Also, the transaction device being a portable transaction device would have been obvious to one of ordinary skill in the art to include in the system of Northington et al in order to allow a user to access the information clearing house from any given location.

As per the features of a "data terminal configured as a financially-enabled e-commerce device" and "wherein said data terminal is populated by said TIPCH with sufficient account information to impart transaction functionality to said data terminal on behalf of a user", applicant is directed to the rejection of claim 1 above.

As per claim 20, Northington et al disclose "wherein said transaction and information processing clearing house (UIPCH) is configured for interfacing with a

Art Unit: 3628

registered user for establishing operating preferences for the transaction device, establishing report preferences, reporting status of accounts, allowing the user to change account and vendor parameters, displaying financial activity, paying invoices and bills, and or controlling automated payments". See column 5, lines 15-55, column 6, lines 22-40 and column 2, lines 28-67 and column 9 of Northington et al.

As per claim 21, Northington et al disclose the transaction and information clearing house (TIPCH) is configured for registering multiple portable transaction devices for each given user. Note column 2, lines 44-53.

As per claims 22-23, Northington et al does not explicitly teach means for biometric identification within the portable transaction device. As per this feature, the Examiner asserts that biometric identification systems such as fingerprint recognition devices are old and well applied techniques used in identification systems and smart card systems for ensuring security in the usage of a transaction device. Applying such well known techniques in the system of Northington et al would have been obvious to one of ordinary skill in the art at the time the invention was made in order to provide alternate security within and in using the transaction device.

As per claim 24, the system of Northington et al is a financially enabled electronic commerce device. See column 5, lines 15-26 of Northington et al.

As per claim 26, note columns 5 and 6 of Northington et al.

As per claim 27, Northington et al do not explicitly state the automatic population of the transaction device is being populated comprising a zero click commerce activity. However, Northington et al disclose providing automatic transfer of electronic information based on a predetermined time or as pre-programmed. Thus, no click is necessary. See column 8, lines 1-18 of Northington et al.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
February 17, 2005


FRANTZY POINVIL
PATENT EXAMINER
AU 3628